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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/948,328	10/10/97	SIMPSON	D

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EXAMINER	
HOOSAIN, A	
ART UNIT	**PAPER NUMBER**
2748	16

DATE MAILED: 08/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/948,328	Applicant(s) Simpson et al.
	Examiner Allan Hoosain	Group Art Unit 2748

☒ Responsive to communication(s) filed on *Appeal Brief, 5/30/2000* .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-27* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-27* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1. The brief filed on 5/30/00 has been considered. After further review, Examiner has decided to re-open prosecution to address all new arguments made in the Brief. A new first Office Action is given below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-4, 7, 11-12, 14-15, 18-20, 22-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** (US Patent 5,572,643) in view of **Hertz** (J. Acoust. Soc. Am.Vol. 72, No. 4, October 1982).

As to Claims 1-4,11, with respect to Figures 1-3, **Judson** teaches a computer system comprising: a server, 10, coupled to the Internet (a data communication network), said server being programmed to execute sequences of program instructions for:

(a) obtaining textual information for forming information objects (messages) for a plurality of subscribers, 12,

(b) performing a significant portion of a text to speech process, to convert the textual information of at least one of the information objects (messages) to applets as taught at Col. 6, lines 25-44 and Col. 8, lines 3-21, and "where some or all parts of a particular message be conveyed to the user aurally" and wherein the information object may include an applet with some aural output for example; and

© transmitting the applets over the data communication network (Col. 8, lines 3-21).; and

a subscriber terminal, 12, for receiving the applets via the data communication network (Col. 6. lines 1-12,32-35 and Col. 8, lines 5-12) . The reference does not explicitly recite that the

subscriber terminal comprises a speech synthesizer and does not specifically detail speech synthesizer instructions. However it is obvious that the **Judson** primary reference has a speech synthesizer which uses speech synthesizer instructions because it teaches converting text to aural sounds using applets as is old and well known in the art. The secondary reference has a speech synthesizer which uses speech synthesizer rules (instructions) for correct interpretation of sounds (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with a speech synthesizer performing speech synthesizer instructions for synthesizing a waveform signal represneting the at least one information object (message) as envisioned by **Judson** to convey particular messages aurally and as taught by the secondary reference, **Hertz**, in order to provide a more correct means of conveying aural sounds as discussed above.

As to Claim 7, in addition to the information above, **Judson** further teaches a computer system as in Claim 1, further comprising an e-mail system for receiving e-mail messages for subscribers and supplying the e-mail messages as the textual information to the server for conversion and transmission to the subscriber terminal (Col. 6, lines 26-44).

As to Claim 12, with respect to Figure1, **Judson** teaches a network server, 10, comprising:

a computer, 12, coupled to a data communication network, said computer being programmed to execute sequences of program instructions for:

(a) obtaining textual information for information objects (messages) for a plurality of subscribers (Col. 7, lines 38-44);

(b) performing a significant portion of a text to speech process to convert the textual information of the information objects (messages) to applets as taught at Col. 6, lines 25-44 and Col. 8, lines 3-21, and "where some or all parts of a particular message be conveyed to the user aurally" and wherein the information object may include an applet with some aural output for example; and

(c) transmitting applets representing the information objects (messages), over the data communication network to subscriber terminals for aural output (wave form generation) in response thereto.

The primary reference does not specifically detail speech synthesizer instructions, fundamental sounds and a control parameter. However it is obvious that the **Judson** primary reference uses speech synthesizer instructions, fundamental sounds and control parameters because it teaches converting text to aural sounds using applets as is old and well known in the art. The secondary reference uses speech synthesizer instructions and rules (control parameters) for correct interpretation of fundamental sounds (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with speech synthesizer instructions for identifying fundamental sounds for

identifying a fundamental sound and at least one control parameter for controlling generation of a waveform corresponding to the fundamental sound as envisioned by **Judson** to convey particular messages aurally and as taught by the secondary reference, **Hertz**, in order to provide a more correct means of conveying aural sounds as discussed above.

As to Claims 14-15,18, with respect to Figures 1-2, **Judson** teaches a communication terminal device, comprising:

a data interface, 50,56, for receiving data from a communication network;

a programmable central processing unit for processing the received data to capture applets contained in the received data (Col. 6, lines 1-12 and Col. 8, lines 3-8);

a memory storing a plurality of applets in digitized form (Col. 5, lines 61-64 and Col. 8, lines 5-8).

The primary reference does not specifically detail speech synthesizer instructions and fundamental sounds. However it is obvious that the **Judson** primary reference uses speech synthesizer instructions and fundamental sounds because it teaches converting text to aural sounds using applets as is old and well known in the art. The secondary reference uses speech synthesizer instructions and rules for correct interpretation of fundamental sounds (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with speech synthesizer instructions and fundamental

sounds for processing samples from the memory in an order specified by the instructions and to control parameters of a waveform signal synthesized from the processed samples in a manner specified by the instructions as envisioned by **Judson** to convey particular messages aurally and as taught by the secondary reference, **Hertz**, in order to provide a more correct means of conveying aural sounds as discussed above.

As to Claims 19-20,22-23,25, with respect to Figures 1-2, **Judson** teaches a method of providing personalized information services, comprising:

storing fill-in forms (subscriber profiles) relating to topics of interest to a plurality of individual subscribers (Col. 7, lines 6-25);

receiving access history (items of information) to the fill-in forms (subscriber profiles) to identify access history (items of interest) to particular subscribers (Col. 7, lines 5-21);

converting textual information relating to at least some of the identified items of interest to sequences of applets (Col. 8, lines 3-6);

transmitting each of the sequences of applets to one or more terminals, each terminal being utilized by a subscriber (Col. 8, lines 3-6);

storing received sequences of applets in respective subscriber terminals (Col. 8, lines 6-8);

in response to one of the sequences of applets generating aural sounds (Col. 6, lines 31-35 and Col. 8, lines 8-11).

The primary reference does not specifically detail speech synthesizer instructions and sound samples. However it is obvious that the **Judson** primary reference uses speech synthesizer instructions and sound samples because it teaches converting text to aural sounds using applets as is old and well known in the art. The secondary reference uses speech synthesizer instructions and rules for correct interpretation of sound samples (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with speech synthesizer instructions and sound samples for retrieving sound samples from a memory in a subscriber terminal in a manner specified by the one sequence of instructions and adjusting process parameters for the retrieved samples in a manner specified by the one sequence of instructions to thereby generate speech waveform signal representative of one of the identified items of interest as envisioned by **Judson** to convey particular messages aurally and as taught by the secondary reference, **Hertz**, in order to provide a more correct means of conveying aural sounds as discussed above.

Claims 5-6, 16-17, 21,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Hertz** as applied to claims 4,15,19 above, and further in view of **Gordon** (US Patent 5,608,786).

As to Claim 5-6,16-17,21,24, **Judson** teaches a computer system as in claim 4, wherein the modem comprises a network (Col. 4, lines 33-35). The primary reference **Judson** does not specifically teach a wireless network and a cellular digital packet data modem. However it is obvious that the **Judson** primary reference uses wireless networks and cellular digital packet data modems because it teaches client terminals which access Internet service providers and which access is well known in the art. The second secondary reference, **Gordon** teaches a lap-top PC with a modem which can dial up Internet service providers over cellular networks and inherently teaches a cellular digital packet data modem and wireless networks (Col. 10, lines 31-35 and Col. 12, lines 15-18). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with a cellular digital packet data modem and wireless network as envisioned by **Judson** to provide access to Internet service providers and as taught by the second secondary reference, **Gordon**, in order to provide mobile subscriber access.

4. Claim 8 is rejected under 3 5 U. S. C. 103 (a) as being unpatentable over **Judson** in view of **Hertz** and **Gordon** as applied to claim7 above, and further in view of **Meske, Jr. et al**. (US Patent 5,530,852).

As to Claim 8 **Judson** further teaches a computer system as in claim 7, further comprising Usenet (a news information server), said server being programmed to execute sequences of program instructions for:

storing profile information regarding news topics of interest to individual subscribers (Col. 4, lines 47-51 and Col. 7, lines 13-25);

receiving and storing news items, from one or more sources (Col. 7, lines 2-17);

comparing the stored news items to the stored profile information to identify news items of interest to each individual subscriber (Col. 7, lines 10- 13).

The primary reference **Judson** does not specifically teach addressing mail messages and transmitting messages. However it is obvious that the **Judson** primary reference addresses mail messages and transmits mail messages because it teaches e-mail services and transmission of information objects as is well known in the art. The second secondary reference, **Gordon** teaches addressing and transmission of e-mail messages and mail boxes (Figures 2-3 and Col. 6, lines 34-39). The third secondary reference, **Meske, Jr. et al**. teach addressing and transmission of e-mail messages from news sources (Col. 6, lines 1-60). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with addressing and transmitting of e-mail messages containing text information representing the items of interest to subscribers mail boxes in the mail system as designed by **Judson** to provide access to news sources and as taught by the second secondary reference, **Gordon**, and the third secondary reference of **Meske, Jr. et al**. in order to provide e-mail transmission of news topics to subscribers mail boxes.

4. Claim 9 is rejected under 3 5 U. S. C. 103 (a) as being unpatentable over **Judson** in view of **Hertz** as applied to Claim 1 above and further in view of **Gordon** (US Patent 5,608,786).

As to Claim 9, **Judson** teaches a system as in Claim 1 with a WEB server. The primary reference **Judson** does not specifically teach a unified message management platform, different formats, and conversion between formats. However it is obvious that the **Judson** primary reference is capable of having a unified message management platform, different formats and conversion between formats because it teaches different Internet services and multimedia information objects as is well known in the art (Col. 4, lines 43-51 and Col. 6, lines 29-35). The second secondary reference, **Gordon** teaches a unified message system with different formats and conversion between formats (Figures 2-3 and Col. 5, lines 1-11). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with a unified message system as envisioned by **Judson** to provide message format conversion as taught by the second secondary reference, **Gordon**, in order to provide delivery of information in any format to a subscriber.

4. Claim 10 is rejected under 3 5 U. S. C. 103 (a) as being unpatentable over **Judson** in view of **Hertz** and **Gordon** as applied to claim 1 above, and further in view of **Meske, Jr. et al**. (US Patent 5,530,852)

As to Claim 10 **Judson** further teaches a computer system as in claim 7, further comprising Usenet (a news information server), said server being programmed to execute sequences of program instructions for:

storing profile information regarding news topics of interest to individual subscribers (Col. 4, lines 47-51 and Col. 7, lines 13-25);

receiving and storing news items, from one or more sources (Col. 7, lines 2-17);

comparing the stored news items to the stored profile information to identify news items of interest to each individual subscriber (Col. 7, lines 10- 13).

The primary reference **Judson** does not specifically teach addressing mail messages and transmitting messages. However it is obvious that the **Judson** primary reference addresses mail messages and transmits mail messages because it teaches e-mail services and transmission of information objects as is well known in the art. The second secondary reference, **Gordon** teaches addressing and transmission of e-mail messages and mail boxes (Figures 2-3 and Col. 6, lines 34-39). The third secondary reference, **Meske, Jr. et al**. teach addressing and transmission of e-mail messages from news sources (Col. 6, lines 1-60). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with addressing and transmitting of e-mail messages containing text information representing the items of interest to subscribers mail boxes in the mail system as designed by **Judson** to provide access to news sources and as taught by the second secondary

reference, **Gordon**, and the third secondary reference of **Meske, Jr. et al**. in order to provide e-mail transmission of news topics to subscribers mail boxes.

4. Claim 13 is rejected under 3 5 U. S. C. 103 (a) as being unpatentable over **Judson** in view of **Hertz** and **Gordon** as applied to claim 12 above, and further in view of **Meske, Jr. et al**. (US Patent 5,530,852)

As to Claim 13 **Judson** further teaches a computer system as in claim 7, further comprising Usenet (a news information server), said server being programmed to execute sequences of program instructions for:

storing profile information regarding news topics of interest to individual subscribers (Col. 4, lines 47-51 and Col. 7, lines 13-25);

receiving and storing news items, from one or more sources (Col. 7, lines 2-17);

comparing the stored news items to the stored profile information to identify news items of interest to each individual subscriber (Col. 7, lines 10- 13).

The primary reference **Judson** does not specifically teach addressing mail messages and transmitting messages. However it is obvious that the **Judson** primary reference addresses mail messages and transmits mail messages because it teaches e-mail services and transmission of information objects as is well known in the art. The second secondary reference, **Gordon** teaches addressing and transmission of e-mail messages and mail boxes (Figures 2-3 and Col. 6, lines 34-39). The third secondary reference, **Meske, Jr. et al**. teach addressing and transmission of e-mail

messages from news sources (Col. 6, lines 1-60). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with addressing and transmitting of e-mail messages as containing text information representing the items of interest to subscribers mail boxes in the mail system designed by **Judson** to provide access to news sources and as taught by the second secondary reference, **Gordon**, and the third secondary reference of **Meske, Jr. et al**. in order to provide e-mail transmission of news topics to subscribers mail boxes.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Hertz** and further in view of **Marsh et al**. (US Patent 5,848,397).

As to Claim 27, with respect to Figures 1-3, **Judson** teaches a client server system comprising: a server coupled to a data communication network, said server being programmed to execute sequences of program instructions for:

(a) obtaining textual information for forming information objects (messages) for a plurality of subscribers (Col. 7, lines 13-25);

(b) performing a significant portion of a text to speech process to convert the textual information of at least one of the information objects (messages) to applets; and

(c) transmitting the applets; and

a subscriber terminal, 12,.

The primary reference does not explicitly recite that the subscriber terminal comprises a speech synthesizer and does not specifically detail speech synthesizer instructions in the form of MIDI commands. However it is obvious that the **Judson** primary reference has a speech synthesizer which uses speech synthesizer instructions in the form of MIDI commands because it teaches converting text to aural sounds using applets in a multimedia computer as is old and well known in the art. The first secondary reference, Hertz, has a speech synthesizer which uses speech synthesizer rules (instructions) for correct interpretation of sounds (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). The second secondary reference, **Marsh et al.**, teaches a computer with MIDI commands (Col. 14, lines 10-14). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with a speech synthesizer performing speech synthesizer instructions responsive to MIDI commands as envisioned by **Judson** to convey particular messages aurally and as taught by the first secondary reference, **Hertz**, and the second secondary reference, **Marsh et al.**, in order to provide aural sounds based on MIDI commands.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Judson** in view of **Hertz** as applied to claim 14 above, and further in view of **Marsh et al.** (US Patent 5,848,397).

As to Claim 26, **Judson** teaches a communication terminal as recited in Claim 14, wherein said aural output are in the form of applets (Col. 8, lines 8-12). The primary reference does not explicitly recite speech synthesizer instructions in the form of MIDI commands. However it is obvious that the **Judson** primary reference has speech synthesizer instructions in the form of MIDI commands because it teaches converting text to aural sounds using applets as is old and well known in the art. The first secondary reference, **Hertz**, uses speech synthesizer rules (instructions) for correct interpretation of sounds (Page 1154, Introduction, lines 18-20, Page 1167, Use, lines 6-10 and Page 1168, Col. 1, last paragraph). The second secondary reference, **Marsh et al.**, teaches a computer with MIDI commands (Col. 14, lines 10-14). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said reference of **Judson** with speech synthesizer instructions responsive to MIDI commands as envisioned by **Judson** to convey more efficiently particular messages aurally and as taught by the first secondary reference, **Hertz**, and the second secondary reference, **Marsh et al.**, in order to provide aural sounds based on MIDI commands.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

None

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Krista Zele**, can be reached on (703) 305-4701.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain

Allan Hoosain

Patent Examiner

August 25, 2000